

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**LENN D. REED,**

**Petitioner,**

**v.**

**No. 15-0835-DRH**

**KEVIN KINK,**

**Respondent.**

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**GLENN W. REED,**

**Petitioner,**

**v.**

**No. 15-0872-DRH**

**ROBERT MUELLER.**

**Respondent.**

**MEMORANDUM and ORDER**

**HERNDON, District Judge:**

Pending before the Court are the Reeds' March 20, 2018 motions to proceed in forma pauperis on appeal (Docs. 39 & 21, respectively) and motions requesting for the record on appeal be prepared (Docs. 38 & 22, respectively). On January

11, 2018, the Court denied and dismissed with prejudice the Reeds' 28 U.S.C. § 2254 petitions (Docs. 31 & 16, respectively) and Judgments reflecting the same were entered the same day (Docs. 32 & 17, respectively). Based on the following, the Court denies the motions to proceed in forma pauperis as the appeals are not taken in good faith and denies as moot the motions requesting the record on appeal be prepared.

According to 28 U.S.C. § 1915(a)(3), "[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." *Id.* To determine that an appeal is taken in good faith, the Court "need only find that a reasonable person could suppose that the appeal has some merit." *Walker v. O'Brien*, 216 F.3d 626, 632 (7th Cir. 2000) (citing *Lee v. Clinton*, 209 F.3d 1025, 1026 (7th Cir. 2000)). Here, the Court finds that no reasonable person could reach the conclusion that the appeals are taken in good faith as the Court found that the petitioners' petitions were untimely and procedurally defaulted and that they have not advanced a credible claim of actual innocence. No reasonable jurist would find the issue debatable.

**IT IS HEREBY ORDERED** that the Reeds' motions for leave to proceed in forma pauperis on appeal (Docs. 39 & 21, respectively) are **DENIED**. The Reeds shall tender the appellate filing and docketing fee of \$505.00 (each) to the Clerk of the Court in this District within **THIRTY** (30) days of the date of the entry of this Order or they may reapply with the Seventh Circuit Court of Appeals for leave to

proceed in forma pauperis on appeal. Further, the Court **DENIES as moot** the motions requesting for the record on appeal to be prepared (Docs. 38 & 22, respectively) as the Clerk of the Court routinely prepares the records for every case on appeal.

**IT IS SO ORDERED.**

*David R. Herndon*



Judge Herndon

2018.03.21

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**United States District Judge**